

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



Nicole Leedy

v.

United States of America

)
) Criminal No.: 3:15-cr-00307-M(13)
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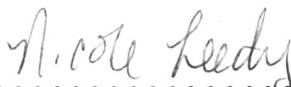
MOTION TO CORRECT CLERICAL ERROR PURSUANT TO
FEDERAL RULES OF CRIMINAL PROCEDURES RULE 36

Comes now defendant Nicole Leedy, pro se, seeking pursuant to Fed. Crim. Procedure Rule 36 to correct a clerical error in the judgement, order, and other part of the record, arising from oversight or omission. The rule applies, however, only to clerical errors and not substantive matters. United States v. Mackay, 757 F.3d 195, 197-200 (5th Cir. 2014). Here the Defendant was under the impression the judge sentencing her for all related drug cases arising herein. The written judgement conflicts with the Court's oral pronouncement of the sentence-specifically, the written judgment fails to state that she will receive credit for the time she served in custody before the federal sentencing. Ms. Leedy understands, based on the oral pronouncement, that she is entitled to receive credit for all of the time that she served in custody from her initial arrest in 2015 until her sentencing hearing on July 15, 2016. According to the Federal Bureau of Prisons, because the case number 2008-CR-11402 was not listed on the judgment they can not credit Defendant for that time. Defendant remembers clearly the oral pronouncement at sentencing was to include time spent in custody to run concurrent with the above listed case. Therefore Defendant seeks an amendment

to the written judgment to: (1) reflect "the Court's intent to ~~grant~~ credit the months she had already served prior to her sentencing"; and (2) "conform the sentence to the Court's intentions pronounced orally on July 15, 2016."

Wherefore, the Defendant prays this court will correct the judgment and give her time served as pronounced at sentencing by Judge Lynn.

Respectfully submitted this 13th day of September, 2020.



Nicole Leedy # 49891-177
SPC Aliceville
P.O. Box 487
Aliceville, AL. 35442

CERTIFICATE OF SERVICE

This is to certify under penalty and perjury under the laws of the United States of America pursuant to 28 U.S.C. §1746, that I have served a true and correct copy of the foregoing to:

2pg motion to correct clerical error pursuant to Rule 36

upon the following address(es) by placing in a sealed envelope, bearing sufficient postage via the United States Postal Services to;

US District Court-Clerk
1100 Commerce St
Dallas TX 78242

US Attorney's Office
1100 Commerce St
Dallas TX

and deposited it into the mailbox provided for inmates on the grounds of the SPC Federal Correctional Institution Aliceville, Alabama on this 13th day of Sept, 2020.

Nicole Leedy

Nicole Leedy # 49891-177
SPC Aliceville
P.O. Box 487
Aliceville, AL 35442

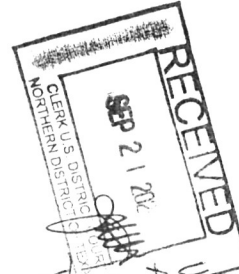
Litigation is deemed FILED at the time it was delivered to prison authorities. See *Houston v. Lack* 487 US 266, 101 L Ed 2d 245 108 S. Ct. 2379(1988)

CERTIFIED MAIL



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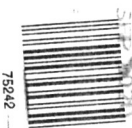
Nicole Leedy 49891-177
Milledgeville Federal Prison Camp
PO Box 487
Milledgeville, AL 35442



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UNITED STATES FEDERAL COURTS
ATTN: Judge Barbara Lynn
100 Commerce Street
DAIKS, TX

75242



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